CCRB INVESTIGATIVE RECOMMENDATION

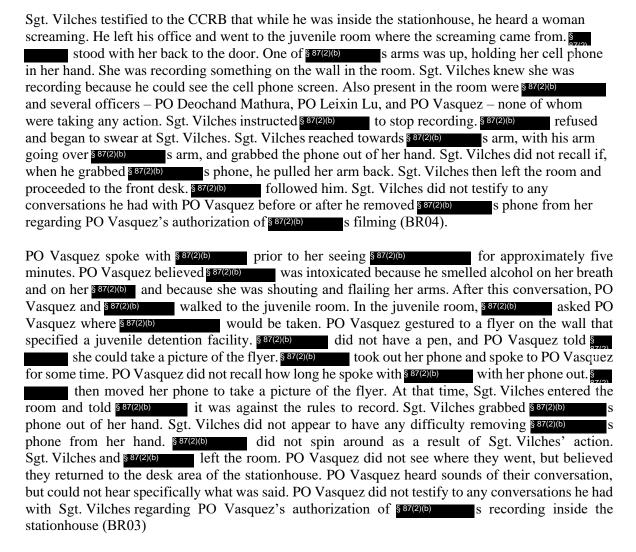
Investigator:		Team:	CCRB Case #:	$\overline{\square}$	Force	$\overline{\mathbf{V}}$	Discourt.	U.S	
Zachary Herman		Squad #12	201907732	Ø	Abuse		O.L.	☐ Inju	ry
Incident Date(s)		Location of Incident:	l	P	Precinct:	18	Mo. SOL	EO S	OL
Saturday, 08/17/2019 10:15 PM, S 08/18/2019 2:03 AM	unday,				14	2/	17/2021	10/4/2	021
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	ived at CCI	RB	
Mon, 08/19/2019 10:45 AM		Other City agency	Phone		Thu, 08/29	/2019	11:12 AM	I	
Complainant/Victim	Type	Home Addre	ess						
	GL L L								
Subject Officer(s)	Shield	TaxID	Command						
1. SSA Roland Vilches	05157	905244	TB ATU						
2. POM Randy Vasquez	09434	958146	TB ATU						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Leixin Lu	03030	962559	TB ATU						
2. POM Deochand Mathura	19343	962593	TB ATU						
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendat	ion
A.SSA Roland Vilches	Force: Se § 87(2)(b)	ergeant Roland Vilches u	used physical force a	agaiı	nst				
B.SSA Roland Vilches	Abuse: Sergeant Roland Vilches interfered with § 87(2)(b) s use of a recording device.								
C.SSA Roland Vilches	Discourtesy: Sergeant Roland Vilches spoke discourteously to §87(2)(b)								
D.SSA Roland Vilches	Discourtesy: Sergeant Roland Vilches spoke discourteously to \$87(2)(b)								
E.POM Randy Vasquez	Abuse: P	olice Officer Randy Vas	squez threatened to a	irres	st				

Case Summary

This complaint was filed via telephone with 311 by § 87(2)(b) on August 19, 2019. The complaint was received at the CCRB on August 31, $\overline{2019}$. On August 18, 2019, at approximately 2:03 a.m., § 87(2)(b) arrived at the at § 87(2)(b) I in Manhattan. She asked to see her -year-old son, 887(2)(b) PO Randy Vasquez of the Transit Anti-Terrorism Unit escorted § 87(2)(b) to a room where she spoke with § 87(2)(b) inside the room, she attempted to take a picture of an informational poster on a wall, and Sergeant Roland Vilches of the Transit Anti-Terrorism Unit grabbed her phone out of her hand by pulling her arm back (Allegation A: Force, unsubstantiated; Allegation B: Abuse of Authority, Sgt. Vilches alleged stated, "We don't take fuckin' pictures in here. Ain't no fucking recording in here." (Allegation C: Discourtesy, \$87(2)(9) Sgt. Vilches took § 37(2)(b) s phone from the room to the stationhouse lobby where he and § engaged in a verbal dispute. Sgt. Vilches stated, "I don't give a fuck" (Allegation D: PO Vasquez informed § 87(2)(b) that she had to leave the Discourtesy, § 87(2)(g) stationhouse or she would be arrested (Allegation E: Abuse of Authority, \$87(2)(g) The CCRB requested but was not provided video evidence from both the Precinct stationhouse and body-worn camera footage regarding this investigation. The video evidence requests were denied because \$87(2)(b) did not sign an unsealing order regarding video footage of \$87(2)(b) **Findings and Recommendations** Allegation (A) Force: Sergeant Roland Vilches used physical force against (\$272) Allegation (B) Abuse of Authority: Sergeant Roland Vilches interfered with use of a recording device. On August 18, 2019, at approximately 2:03 a.m., § \$7(2)(b) arrived at the Transit District One stationhouse at West 59th and Columbus Circle in Manhattan. § 87(2)(b) requested to see her year-old son, § 87(2)(b) who had been arrested. When she arrived at the stationhouse, PO Vasquez escorted her to the room where \$87(2)(b) who was handcuffed, was seated. PO Vasquez informed § 87(2)(b) that § 87(2)(b) would likely be held in juvenile detention asked PO Vasquez where § 87(2)(6) would be held, PO Vasquez told her he did not know, and told her to take a picture of a poster on the wall that contained information about the address for a juvenile detention facility in the Bronx. § 37(2)(b) who was facing the poster, lifted her right hand which contained her cellphone, and used her left hand to hold the top part of her phone to secure it. As she made this gesture, Sgt. Vilches, who had entered the room seeing, grabbed § 87(2)(b) s phone and pulled it back. This moved s right arm backwards, fully extending her right arm. Sgt. Vilches removed the phone from s hand. Sgt. Vilches loudly stated to \$87(2)(6) "We don't take fuckin' pictures in here. Ain't no fucking recording in here." § 87(2)(b) requested that Sgt. Vilches give her phone back multiple times in the lobby, for approximately two minutes, after this period of time, Sgt. Vilches returned her phone. § 87(2)(b) did not state whether her phone was locked or unlocked when Sgt. Vilches had it in his possession, and did not state she observed Sgt. Vilches do anything with her device other than hold it. \$87(2)(5) stated that in a conversation in the lobby, PO Vasquez denied that he had provided her with permission to take a photograph (BR01). did not make § 87(2)(b) available to the CCRB to be interviewed.

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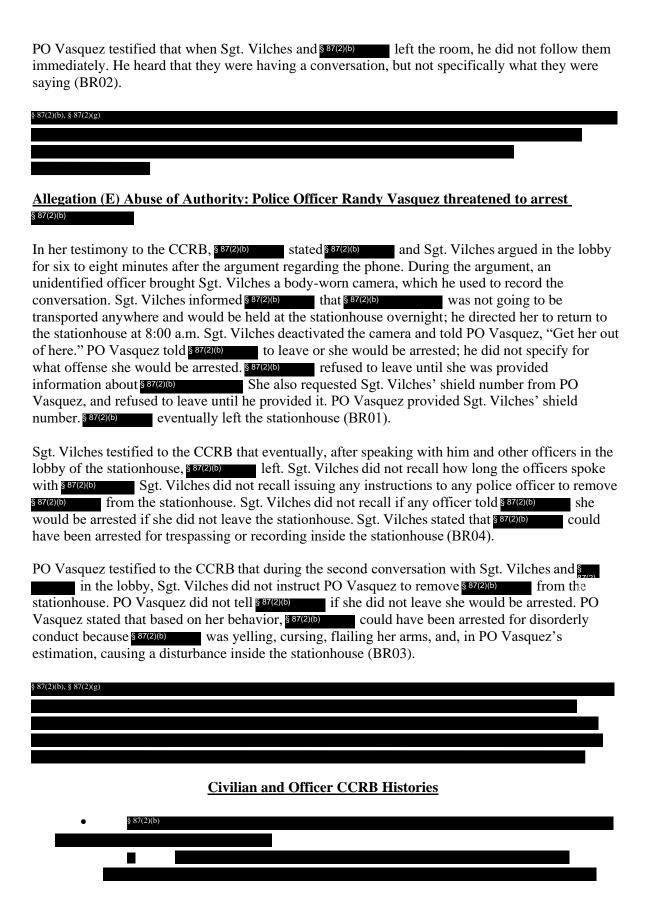
The CCRB requested stationhouse footage and body-worn camera footage from the NYPD. The NYPD responded that because the case involved footage of a juvenile, a waiver was required. No waiver was obtained, and the NYPD did not provide the footage to the investigation.

NYPD Patrol Guide Procedure 221-01 governs the use of force by uniformed members of service. In determining whether the use of force is reasonable, members of the service should consider the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, the number of subjects in comparison to the number of members of service, the size, age, and condition of the subject in comparison to the member of service, the subject's violent history, if known, the presence of hostile crowd or agitators, and if the subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. (BR06).

<u>NYPD Patrol Guide</u> Procedure 203-29 states that members of the public may not record inside police facilities. It stated that members of service may instruct civilians who are recording inside

police facilities to stop, and that if a civilian fails to stop, officers may take enforcement action per trespassing statutes (BR08).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
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Allegation (C) Discourtesy: Sergeant Roland Vilches spoke discourteously to \$87(2)(b)
As stated above, \$87(2)(b) alleged that Sgt. Vilches stated, "We don't take fuckin' pictures in here. Ain't no fucking recording in here," when he removed \$87(2)(b) sphone from her hand (BR01).
In his testimony to the CCRB, Sgt. Vilches stated he did not say, "We don't fucking record in here." Sgt. Vilches denied using any profanity towards [87(2)(0)] inside the juvenile room (BR04).
PO Vasquez stated that he did not recall if Sgt. Vilches used any profanity when he instructed to stop recording (BR02).
§ 87(2)(b), § 87(2)(g)
Allegation (D) Discourtesy: Sergeant Roland Vilches spoke discourteously to 887(2)(b)
testified that while she and Sgt. Vilches walked towards the front of the stationhouse, she told Sgt. Vilches that PO Vasquez had authorized her to use her phone. Sgt. Vilches allegedly responded, "I don't give a fuck" (BR01).
Sgt. Vilches denied using any profanity when speaking with \$87(2)(b) during their interaction (BR04).



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0	§ 87(2)(b)

- Sgt. Vilches has been a member of service for 26 years and has been a subject in amount six CCRB complaints and nine allegations, none of which were substantiated. Sgt. Vilches' CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Vasquez has been a member of service for five years and has no prior CCRB allegations.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation in the course of providing her sworn statement.
 § 87(2)(b)
- As of April 22, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR10).

Squad No.:	12		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Carlmais Johnson Signature	IM Carlmais Johnson Print Title & Name	May 28, 2020 Date
Reviewer:	Signature	Print Title & Name	Date